Holwell, J

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HECTOR PALACIO, RICARDO ROCHA, MARTIN DIXON and ALLEN CUMMINGS, individually and on behalf of all others similarly situated,

Plaintiffs,

-against-

E*TRADE FINANCIAL CORPORATION and E*TRADE BROKERAGE SERVICES, INC.,

Defendants.

CASE NO. 10-CV-4030 (RJH)

STIPULATION AND [~~PROPOSED~~] ORDER ADJOURNING DEADLINE TO RESPOND TO MOTION TO COMPEL AND TRANSFER OR STAY THIS ACTION

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties by and between their undersigned counsel, that:

1. The parties have reached a resolution of this litigation in principal and are in the process of reducing the terms of their agreement to a formal settlement agreement.

2. Pursuant to the Stipulation and Order entered by the Court on November 29, 2010, further proceedings in this litigation were stayed until and through December 14, 2010 to facilitate settlement discussions.

3. Subject to this Court's approval, the parties agree to adjourn Plaintiffs' deadline to respond to Defendants' Motion to Compel Arbitration and Transfer or Stay this Action *sine die* to allow the parties to finalize the terms, execute a formal settlement agreement, and prepare a motion for preliminary approval of the settlement to be submitted to the Court.

4. If the settlement is not approved by the Court, the parties will submit a proposed briefing schedule for Defendants' Motion to Compel Arbitration and Transfer or Stay this Action.

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STIPULATED, AGREED AND CONSENTED TO BY:

OUTTEN & GOLDEN LLP

By: ______________________
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and

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Dated: January 7, 2011

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SO ORDERED:

____
Hon. Richard J. Holwell, U.S.D.J.
1/21/11